



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/074,238

02/14/2002

Janne Aaltonen

06071.00001

6235

22907

7590

09/15/2008

BANNER & WITCOFF, LTD.

1100 13th STREET, N.W.

SUITE 1200

WASHINGTON, DC 20005-4051

EXAMINER

BELGRAMI, ASGHAR H

ART UNIT

PAPER NUMBER

2143

MAIL DATE

DELIVERY MODE

09/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/074,238

Applicant(s)

AALTONEN ET AL.

Examiner

ASGHAR BILGRAMI

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21, 27, 29-43 and 46-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21, 27, 29-43 and 46-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/16/2008 has been entered.

Claim Objections

2. Claim 18 is objected to because of the following informalities: Claim 18 points to a "device" in claim 9 that this not described as such in claim 9. For examining purposes examiner has assumed the "device" to be the "apparatus" described in claim 9. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-21, 27, 29-43, 46-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over HERZ et al (U.S. Pub No. 2001/0014868 A1) and Birdwell et al (U.S. 6,108,706).

5. As per claims 1, 9-11, 19, 49 & 50 HERZ disclosed a method comprising: receiving, via a uni-directional broadcast network, unsolicited information from a computer network, wherein the unsolicited information includes a first page of a network site and an identifier identifying one or more second pages of the network site (Paragraph.27), the unsolicited information being received by a communication device based upon the communication device being targeted for receiving unsolicited information based upon a user profile associated with the communication device (paragraphs. 30 through 32 & 38); requesting, via a bi-directional network different from the uni-directional broadcast network, at least one of the identified one or more second pages; and receiving the at least one of the identified one or more second pages via the bi-directional network (.

Although HERZ described the offering of unsolicited information via World Wide Web to include a first page of a network site and an identifier identifying one or more pages of the network site to a user device having the user profile via a bi-directional wired and/or wireless means and in response requesting and receiving at least one or more second pages of the of the network site via a bi-directional wired and/or wireless network. However HERZ did not explicitly disclosed unsolicited information being received via a uni-directional broadcast network. In the same field of endeavor Birdwell disclosed

broadcasting announcements (to include URL addresses of the web page) to client devices based on user's behavior pattern or custom filters (col.2, lines 9-24) over a broadcast network (30) (col.1, lines 58-67, col.3, lines 45-67 & col.4, lines 1-9).

At the time the invention was made it would have been obvious to one in the ordinary skill in the art to incorporate requesting information based on received identifier via unidirectional network as disclosed by Birdwell in the method of receiving unsolicited information is based upon user profile associated with the device in a unidirectional network as disclosed HERZ by in order to provide a more versatile and flexible way of targeting information to the users resulting in reliable multi-connectivity and customer focus driven communications network.

6. As per claims 2, 4, 12 & 27, 32-35 HERZ-Birdwell disclosed the apparatus of claim 9, wherein the second network is a broadcast network, and further comprising a receiver configured to receive the unsolicited information via the broadcast network (Birdwell, col.3, lines 23-31 & col.3, lines 40-43).

7. As per claims 3 & 13 HERZ-Birdwell disclosed the apparatus of claim 9, wherein the first network is bi-directional a telecommunications network, and further comprising a transceiver wherein the configured for use with the bi-directional network (Birdwell, col.3, lines 10-16).

8. As per claims 5, 14, 29, 36 & 37 HERZ-Birdwell disclosed the apparatus of any of claims 9 wherein the unsolicited information includes a content identifier, and further comprising a memory for storing, on the apparatus, a list of content identifiers of interest (Birdwell, col.4, lines 66-67 & col.5, lines 1-46).

9. As per claims 6 & 15 HERZ-Birdwell disclosed the apparatus of claim 14, further comprising a filter for filtering the received unsolicited information to remove information not having a content identifier in the list of content identifiers (Birdwell, col.5, lines 26-46).

10. As per claims 7, 16, 30, 38 & 39 HERZ-Birdwell disclosed the method of claim 1, wherein the second network is digital video broadcast terrestrial (DVB-T) network, and wherein the receiving via the second network receiving via the DVB-T network (Birdwell, col.3, lines 23-31, col.3, lines 40-43 & col.4, lines 25-34).

11. As per claims 8, 17, 31, 40 & 41 HERZ-Birdwell disclosed the method of 1, wherein the first network is a cellular network; and wherein the step of receiving the identified further information is adapted to receive via the cellular network (Birdwell, col.3, lines 10-16 & col.4, lines 5-9).

12. As per claim 18, 42 & 43 HERZ-Birdwell disclosed the apparatus of claims 9, wherein the device is a portable communication device (Birdwell, col.4, lines 10-12).

13. As per claim 20, 46 & 47 HERZ-Birdwell disclosed the system of claim 19, further comprising a database of user profiles for storing a list of information categories determined to be of interest to the users (HERZ, Paragraph.22).

14. As per claim 21 HERZ-Birdwell disclosed the system of claim 20, further comprising a broadcast transmitter for transmitting information from the computer network to users determined to be interested in the information (Birdwell, col.3, lines 23-31 & col.3, lines 40-43).

15. As per claim 48 HERZ-Birdwell disclosed the method of claim 1, further comprising: accessing a database of user profiles; and identifying the communication device as a user to be targeted based on said user profiles (HERZ, page.4, paragraphs. 27-33 & 35).

16. AS per claim

Response to Arguments

17. Applicant's arguments filed 05/16/2008 have been fully considered but they are not persuasive.

18. Applicant again argued that Birdwell does not teach or suggest receiving unsolicited information over a uni-directional network and requesting information identified in the unsolicited information over bidirectional network.

19. Examiner again respectfully points out that the rejection is based on the combination Birdwell and HERZ. Applicant's description of the Birdwell disclosure and the interpretation of its figure is erroneous.

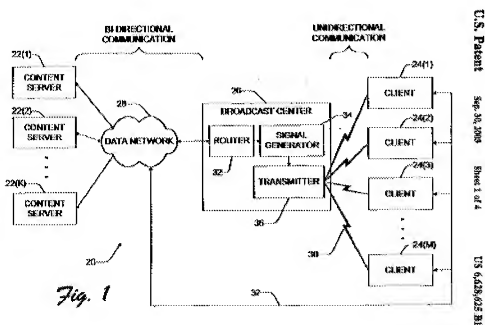
As to applicants argument Birdwell in figure 1 discloses **two networks**.

(i) DVB network (30) {Unidirectional i.e. one way communication A.K.A synchronous}

(ii) Data Network (28) {Bi-directional i.e. Two way communication A.K.A asynchronous}

{Birdwell would not have labeled it Bi-directional if it was not performing two way communication}

Please see figure below



Applicant is erroneously cited the part of disclosure in Birdwell that describes the broadcast aspect of the network which of course describes unidirectional (One-Way) communication.

Regarding the data network (28) {Bi-directional i.e. Two way communication A.K.A asynchronous}. Birdwell on col.3 states:

The bi-directional data network 28 represents various types of networks, including the Internet, a LAN (local area network), a WAN (wide area network), and the like. The data network 28 can be implemented in a number of ways, including wire-based technologies (e.g., fiber optic, cable, wire, etc.) and wireless technologies configured for two-way communication (e.g., satellite, RF, etc.). The data network 28 can further be implemented using various available switching technologies (e.g., ATM (Asynchronous Transfer Mode), Ethernet, etc.) and different data communication protocols (e.g., TCP/IP, IPX/SPX, etc.). In such protocols, the data is packaged in individual, fixed byte-size packets which are transmitted separately over the data network.

Birdwell clearly discloses client requesting information from this bi-directional network.

On col.2 clearly states:

The announcement server makes the announcements available to the clients over the broadcast network on a reserved multicast address or over a secondary link other than the broadcast network. As one example of the secondary link, the announcement servers might send the announcements to a multicast address over a public network, such as the Internet. As another example, the announcement servers might post the announcements at a publicly accessible site on the network, such as at a Web site on the Internet. The clients receive the announcements via the secondary link by, for example, monitoring the multicast address or occasionally accessing the Web site.

As indicated in the last three lines of the passage above a client accessing a web site is a clear indication that a client is initiating a request to access a web site on a network (e.g. WAN, Internet).

Additionally Birdwell again describes client's capability to initiate a request in col.8 of the disclosure.

5 cation which searches the user's Web cache to determine what sites are of interest to the user might call the API to add or remove filters based upon the sites commonly requested by the user. Another example is a software purchasing application that adds a filter based on software the client wishes to download and purchase.

Therefore Birdwell clearly discloses client requesting information on a network.

20. Finally, Herz and Birdwell in combination disclose each and every aspect of applicant's invention and are therefore suitable to be combined to anticipate applicant's invention. Applicant is advised to narrow the claim language in light of the disclosure to overcome the prior arts.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASGHAR BILGRAMI whose telephone number is (571)272-3907. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia L.M. Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. B./
Examiner, Art Unit 2143

/Tonia LM Dollinger/
Supervisory Patent Examiner, Art Unit 2143